IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 353 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PARUL JAYESH AJWANI

Versus

NAVAL VASWANI

Appearance:

1. Appeal from Order No. 353 of 1998

MR NAVIN PAHWA for Petitioner No. 1

MR CB KAUSHAL for Respondent No. 1 (absent)

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 30/10/2001

ORAL JUDGEMENT

The appellant-original plaintiff has challenged in this appeal the impugned order dated 29.7.1998 passed by the learned Chamber Judge, below Ex.37 in Civil Suit

No.6061/94 whereby the appellant-plaintiff was directed to remove the sign board within a week from the date of the order. Initially, notice was ordered to be issued on 5.8.1998 by the learned Single Judge of this court making it returnable on 25.8.1998 and later on after hearing both the parties, the appeal was admitted by another learned Single Judge on 8.9.1998. Along with this appeal Civil Application No.7104/98 was filed wherein also initially notice was ordered to be issued on 5.8.1998 by another learned Single Judge of this court making it returnable on 25.8.1998 on the statement made by the learned counsel appearing for the appellant at the Bar that the appellant's board which was attached to the shop of the respondent was removed and the said board was put somewhere else. On that statement the stay of the impugned order passed by the trial court was granted insofar as it concerns the appellant's board affixed at a place other than the shop of the respondent. After hearing the other side another learned Single Judge of this court confirmed ex-parte ad-interim relief granted earlier by his order dated 8.9.1998 by disposing of the said civil application finally.

It was stated at the Bar by learned counsel Shri Pahwa for the appellant that immediately after passing of the order dated 26.8.1996 in Appeal from Order No.585/95 the appellant-plaintiff had removed sign board from the shop of the respondent-defendant and placed it at other place and relying upon the said statement made earlier by his counterpart the learned Single Judge of this court confirmed the ad-interim relief on 8.9.1989 after hearing the other side. Today, Mr.Pahwa further stated on instruction that the appellant-plaintiff during the pendency and final disposal of the appeal, disposed of his shop and purchased another shop and the said sign board is displayed at other place. He, therefore, submits that now the defendant had no grievance, therefore, though earlier Mr.Kaushal was appearing for defendant, he is not appearing today.

In view of the above, it clearly appears that the appellant-plaintiff himself has complied with the impugned order dated 29.7.1998 by removing the sign board, therefore, nothing more is required to be done in this appeal and accordingly it is disposed of.

(B.J.Shethna, J.)

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